

RHODE ISLAND

How Does Rhode Island Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

The Rhode Island Department of Environmental Management (DEM) defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, English language proficiency, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The DEM has established this goal for the review of the investigation and remediation of properties with actual or suspected contamination in all communities and for all persons across this State. It will be achieved when everyone enjoys a fair share of environmental benefits and the same degree of protection from environmental and health hazards, as well as equal access to the decision-making process to help ensure a healthy environment in which to live, learn, and work.¹

The Rhode Island Department of Health (RIDOH) defines environmental justice as “Health Equity.” Health equity means everyone has a fair and just opportunity to be healthier. This requires removing obstacles to health such as poverty, discrimination, and their consequences, including powerlessness and lack of access to good jobs with fair pay, quality education and housing, safe environments, and healthcare.²

Environmental Justice Mapping Tools:

Areas mapped by EPA are both (% minority & % low-income) high enough to rank in the top 15% of block groups. DEM has adopted similar criteria, however, it compared the block groups on a state-wide basis instead of a regional basis. In addition, DEM mapped areas where the percent of the block group that is minority OR the percent of the block group that is low-income (under 2x Federal Poverty Level) are high enough to rank in the top 15% of block groups state-wide. For purposes of implementing this policy, the census blocks meeting these criteria shall be designated Environmental Justice Focus Areas.³

DEM staff must map the locations of the sites assigned to them on the map server and compare the location to the highlighted areas in the Environmental Justice Focus Area overlay. A map of Rhode Island’s Environmental Justice Focus Areas can be found on the DEM website.⁴

¹ R.I. Legal Services, Environmental Justice for States: A Guide for Developing Environmental Justice Programs for State Environmental Agencies, available at <http://www.dem.ri.gov/envequity/pdf/rilsrept.pdf>; See also R.I. S. 2087-2022.

² RIDOH, Health Equity, <https://health.ri.gov/equity/> (last visited July 5, 2022).

³ R.I. Statewide Plan. Program, Census Data Bulletin (Aug. 2015), http://www.planning.ri.gov/documents/census/bulletin/August2015_Census_Bulletin1.pdf (last visited July 5, 2022).

⁴ RIDEM, *Map Room: Environmental Resource Map*, <http://www.dem.ri.gov/maps/> (last visited July 5, 2022).

Utilizing these types of mapping tools begins the process for deploying additional resources e.g., community outreach, bilingual tools, etc. As part of the GIS program, DEM coordinates geographic information and mapping tools with other RI agencies that have similar environmental and public health responsibilities, such as the Department of Health.

How Does Rhode Island Consider Environmental Justice in its Substantive Actions⁵?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

The Rhode Island Environmental Justice Act requires that the state “shall not approve any permitted activity in an 26 environmental justice focus area or within one-half (1/2) mile of an environmental justice focus 27 area” unless reporting requirements assessing cumulative impacts and public participation requirements are met.⁶

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

DEM has an Office of Waste Management which is responsible for managing Rhode Island’s site remediation and brownfields program⁷ which contributes to the clean-up and reuse of contaminated properties in Rhode Island. Further, The Rhode Island Industrial Property Remediation and Reuse Act, “which is one of the major laws governing the cleanup of contaminated sites, requires DEM to consider the effects of clean ups on communities around the sites and specifically requires that DEM consider the issues of environmental equity for low income and racial minority populations when regulating these clean up actions.”⁸

State Environmental Policy Act “Mini-NEPA”:

N/A.

Dedicated Funding to Environmental Justice Communities:

N/A.

⁵ Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited July 5, 2022).

⁶ R.I. S. 2087-2022.

⁷ RIDEM, Off. of Waste Mgmt. State Site Remediation & Brownfields Program (Jan. 1, 2008), <http://www.dem.ri.gov/envequity/pdf/srbffact.pdf> (last visited July 5, 2022).

⁸ RIDEM, *Environmental Equity in the Clean Up and Reuse of Contaminated Properties in R.I.*, <http://www.dem.ri.gov/envequity/index.htm> (last visited July 5, 2022).

Consideration of Cumulative Impacts:

The Rhode Island Environmental Justice Act defines cumulative impacts as

an exposure, public health or environmental risk, or other effect occurring in a specific geographical area, including from any environmental pollution emitted or released routinely, accidentally, or otherwise, from any source, and assessed based on the combined past, present, and reasonably foreseeable emissions and discharges affecting the 12 geographical area. "Cumulative impacts" shall be evaluated based on any applicable guidance issued by the department.⁹

The Industrial Property Remediation and Reuse Act was amended to provide a supplemental level of due diligence and communication with the public where sites are proposed for reuse as schools, day care facilities, or recreational facilities.¹⁰ The following requirement was added:

Whenever a site that is known to be contaminated or is suspected of being contaminated based upon its past use is considered for possible reuse as the location of a school, child-care facility, or as a recreational facility for public use, the person proposing such reuse shall, prior to the establishment of a final scope of investigation for the site and after the completion of all appropriate inquiries, hold a public meeting for the purposes of obtaining information about conditions at the site and the environmental history at the site that may be useful in establishing the scope of the investigation of the site and/or establishing the objectives for the environmental clean-up of the site. The public meeting shall be held in a city or town in which the site is located; public notice shall be given of the meeting at least ten (10) business days prior to the meeting; and following the meeting, the record of the meeting shall be open for a period of not less than ten (10) and not more than twenty (20) business days for the receipt of public comment. The results of all appropriate inquiries, analysis and the public meeting, including the comment period, shall be documented in a written report submitted to the department.

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

The State Constitution provides that

It shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment

⁹ R.I. S. 2087-2022.

¹⁰ Tit. 23 Health and Safety, ch. 23-19.14 Industrial Property Remediation and Reuse Act § 23-19.14 5

of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.¹¹

How Does Rhode Island Address Environmental Justice in its Procedures¹²?

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

This Public Participation Plan recognizes that the Division of Statewide Planning must be strategic in designing a program focused on activities, those that will encourage engagement beyond the general public. To this end, the Public Participation Plan outlines possible strategies and methods to better reach the limited English-speaking, disabled, minority, and low-income populations.¹³

The Division of Statewide Planning employs a comprehensive strategy of crafting a general location and profile of the underserved populations using its geographic information systems (GIS). A statewide Transportation Equity Benefit Analysis (TEBA) was conducted for the most recent State Transportation Improvement Program (STIP). This study includes demographic and geographic (GIS) profiles of Environmental Justice and other select population groups which may face transportation challenges or discrimination. Statewide Planning will maintain an Environmental Justice and Title VI (see infra page 10) contact list. The Division will then seek out and contact organizations and community leaders with which it has or can build a working relationship to further engage the wider population of these underserved populations. These leaders may or may not be with government organizations and may or may not be elected officials. Statewide Planning could opt to enter into partnerships with organizations like the Rhode Island Council on the Arts, the Providence Cultural Equity Commission with the Providence Office of Sustainability or the Dorcas International Institute of R.I. It is then the intention of the Division of Statewide Planning to go to the populations where they are most comfortable and where the Division is welcome. These places may be where the people live, work, recreate, or worship.

Processes and Procedures (including Title VI):

¹¹ R.I. Const. art. I § 17.

¹² Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited July 5, 2022).

¹³ R.I. Dept. of Admin., Div. of Statewide Plan., Public Participation Plan (rev. May 3, 2022), available at <https://planning.ecms.ri.gov/sites/g/files/xkgbur826/files/2022-06/3c-Public-Participation-%20Plan-6-3-22.pdf> (last visited July 5, 2022).

- Non-Discrimination Policy:

Rhode Island has an Office of Civil Rights for the Rhode Island Department of Transportation (RIDOT).¹⁴ “RIDOT Title VI / Environmental Justice reiterates the language of Title VI of the Civil Rights Act of 1964 and RIDOT takes our non-discrimination obligations seriously and pledges it will: Create opportunities for public participation during transportation planning, design, environmental assessments, and construction; Ensure equitable allocation of funds for relocation assistance and maintenance services; Hold public meetings in easy to access locations and times; Provide translation and interpreting services to ensure full access and participation of Limited English Proficient individuals; Promote environmental justice and equitable distribution of burdens and benefits of our transportation programs, projects, and activities; Monitor compliance of sub-recipients (local governments or non-profit recipients of federal transportation funds); Investigate discrimination complaints under Title VI.”¹⁵

Contact Information(s):

Nancy Rodriguez
MPA Administrator
Civil Rights Programs
401-563-4498
Nancy.rodriquez@dot.ri.gov.

If information is needed in another language or an alternative accessible format, please contact 401-563-4428.

Donna Koch-Minett
Administrative Officer
Donna.Koch.Minett@dot.ri.gov.

- Grievance Procedures:

To file a discrimination complaint against RIDOT or a sub-recipient alleging a violation of Title VI or other federal nondiscrimination law, contact the Title VI Specialist within 180 days of the alleged discriminatory conduct:

Contact Information:

Lilliam Abreu
Chief Program Development, Title VI and Environmental Justice

¹⁴ RIDOT, *Civil Rights*, http://www.dot.ri.gov/about/who/civil_rights.php (last visited July 5, 2022).

¹⁵ RIDOT, Off. of Civil Rights Brochure, http://www.dot.ri.gov/documents/about/civilrights/Office_of_Civil_Rights_Brochure.pdf (last visited July 5, 2022).

401-563-4256

Lilliam.Abreu@dot.ri.gov

To request additional information about the Division of Statewide Planning's Civil Rights obligations please contact, [Benny Bergantino](#), Title VI Coordinator, (401) 222-1755. Persons wishing to file complaints under Title VI should do so within 180 days of the alleged occurrence. Complaints may be submitted in writing to the Title VI Coordinator using the [Title VI/Civil Rights Complaint Form](#) or [Title VI/Civil Rights Complaint Form for other Languages](#). Also, reasonable accommodations will be provided to anyone needing assistance in submitting a complaint due to a disability. Individuals with physical or sensory impairments requiring assistance in filing a complaint should contact [Thomas Mannock, Ph.D](#) or (401) 222-6377.¹⁶

The RIDOT also has a Liaison to ensure the U.S. DOT disadvantaged Business Enterprise (DBE) which is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit, airport, and highway safety financial assistance transportation contracting markets nationwide for ensuring a minimum percentage of hiring communities of color.

- *Enhanced Public Participation and Information Access:*

N/A.

- *Language Access:*

DEM must establish Multilingual Complaint Hotline and Web Site that: (1) accept all public petitions for suspected contaminated sites and investigate the suspicions promptly; (2) communicate, in writing, the results of the initial investigation and anticipated next steps back to the complainant, in their native language whenever possible; (3) maintain on-line lists of sites with planned response actions and completed response actions; and (4) establish an on-line inventory showing all sites that have been in the program.¹⁷ For each site, information on the type(s) of contaminants found and the remedial actions taken, or to be taken, will be included. In addition, they must maintain a GIS Mapping site showing Environmental Justice Focus Areas, compare all sites reported to the Department with the Environmental Justice Focus Area overlay map to determine if the site is in such areas.¹⁸

¹⁶ R.I. Div. of Statewide Plan., R.I.Metro. Plan. Org., *Title VI of the Civil Rights Act & Environmental Justice*, <http://www.planning.ri.gov/public-participation/title-vi-civil-rights.php> (last visited July 5, 2022).

¹⁷ RIDEM, SOP # BEP-AWC-1, Policy for Considering Environmental Justice in Review of Investigation and Remediation of Contaminated Properties (rev. July 2008), at p.3, available at <http://www.dem.ri.gov/envequity/pdf/ejfinal.pdf>.

¹⁸ *Id.*, at p.4.

DEM distributes informational resources in both English and other languages. In addition, the Department is creating informational materials on the Site Remediation/Brownfields program and distributing them through as many organizations as possible that are active in Environmental Justice Focus Areas, both as stand-alone materials as well as through existing newsletters and other communications. It is particularly important that expanded outreach be considered through newspapers, newsletters and other media that specifically focus on the community near the site and that elected representatives, at both the local and State level, be provided with the information on the project. When appropriate, DEM will strive to publish notices, fact sheets and other informational materials in Spanish, Portuguese, or other languages.

The Division of Statewide Planning Limited English Proficiency Plan 2018. This plan details how Statewide Planning responds to requests for information in languages other than English. It also directs that all notices for public hearings and workshops be translated into Spanish and Portuguese. The plan also provides a listing of resources available, both internal and external along with methods that may be used to engage limited English speaking populations: Providing foreign language translations and interpreters, if requested in advance and when the need is anticipated; Posting the meeting agenda on the building entryway door and on the meeting room doorway in appropriate languages; The Division of Statewide Planning website can be read in ninety-one (91) languages utilizing the ‘Google Translate’ plug-in; Use of various illustration and visualization techniques; Welcome and treat attendees in a courteous and respectful manner.¹⁹

- *Consultation with Indigenous Communities and Tribal Nations:*

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams;

- *Environmental Justice Coordinating Agency:*

N/A.

- *Environmental Justice Coordinator:*

N/A.

- *Environmental Justice Advisory Board:*

¹⁹ R.I. Dept. of Admin., Div. of Statewide Plan., Public Participation Plan (rev. May 3, 2022), available at <https://planning.ecms.ri.gov/sites/g/files/xkgbur826/files/2022-06/3c-Public-Participation-%20Plan-6-3-22.pdf> (last visited July 5, 2022).

N/A. However, Rhode Island does have a climate advisory board.²⁰ The Rhode Island EC4 Advisory Board was established pursuant to the Resilient Rhode Island Act of 2014. The EC4 Advisory Board has thirteen full members, appointed by the Governor, House, and Senate. With a specific focus on Climate Justice and: How policies/regulations/permitting impact environmental justice; How the state may speed up permitting and projects that lead to enhanced environmental justice outcomes; The use of renewable energy and environmentally friendly design in affordable housing; Promoting denser development near transit modes; Flood risk; Better identify gaps in our communities and government initiatives/programs/projects and also the connections between such initiatives/programs/projects; Tapping into youth and workforce development; Promote Just Transition policies and priorities for the state (Gather examples of and identify and promote opportunities); Within climate justice – identify and document what this means – specific impacts to environmental justice communities; Review of the state climate justice priorities to the EC4 and holding state agencies accountable to achieve the priorities; Communicating to diverse audiences; How we can partner with groups/leaders to better understand their issues and needs; Building capacity within frontline communities so that they can build resilience and social cohesion; Collaboration with community groups and frontline communities; Create the capacity to make progress towards the Spectrum of Community Engagement.²¹

Contact:

Climate Change
One Capitol Hill
Providence, RI 02908
doa.climatechangeri@doa.ri.gov

- *Funding for Environmental Justice:*

EPA Brownfield Grant Assistance: RIDEM contributes the technical and regulatory expertise needed for successful remediation and redevelopment of brownfields sites. For some projects, RIDEM performs the site assessment and remedial design work itself, and for grantees funded directly by EPA, RIDEM provides field oversight and guidance through the State and Federal investigation and remediation process. If available, RIDEM at times provides supplemental funding for cleanups.²²

Additional Rhode Island Environmental Justice Provisions?

²⁰ R.I. Gen. L. § 42-6.2-1.

²¹ R.I. Climate Change, *EC4 Advisory Board*, <http://climatechange.ri.gov/state-actions/ec4/ec4-council/advisory-board.php> (last visited July 5, 2022).

²² RIDEM, *Getting Properties Back to Work: Waste Site Cleanup Programs Key for R.I. Communities*, available at <http://www.dem.ri.gov/programs/benviron/waste/pdf/propwork.pdf> (last visited July 5, 2022).

The 2021 Act on Climate mandates that,

(a)(2)(i) No later than December 31, 2025, and every five (5) years thereafter, the council shall submit to the governor and general assembly an updated plan, following an opportunity for public comment, that includes strategies, programs, and actions to meet economy-wide enforceable targets for greenhouse gas emissions reductions (v) The plan shall include an equitable transition to climate compliance for *environmental justice populations*, redress past environmental and public health inequities, and include a process where the interests of and people from populations most vulnerable to the effects of climate change and at risk of pollution, displacement, energy burden, and cost influence such plan. (vi) The plan shall identify support for workers during this equitable transition to address inequity in the state by creating quality and family-sustaining clean energy jobs that pay wages and benefits consistent with or that exceed area wage and labor standards. The plan shall provide for the development of programs that directly recruit, train, and retain those underrepresented in the workforce, including women, people of color, indigenous people, veterans, formerly incarcerated people, and people living with disabilities.²³

The RDOH has several programs to address health equity. Community Health and Equity, Division of Health Equity Institute, Health Equity Zones (HEZ) Initiative, Maternal & Child Health Program, Minority Youth Mentoring, Refugee Health Program, Sexual Orientation and Gender Identity Equity Group (SOGI Equity), Office of Special Needs.²⁴ There is also a mapping tool to determine if a resident of Rhode Island lives in a health equity community.²⁵

Rhode Island Environmental Justice Contacts?

Benny Bergantino
Title VI Coordinator
(401) 222-1755

The Environmental Justice League
1192 Westminster St.
Providence, RI 02909
401-383-7441
<http://ejlri.wordpress.com/>

Sheree Gomes
Chief Program Development, DBE Liaison Officer (DBELO)

²³ 42 R.I. Gen. L. Ann. § 42-6.2-2(a)(2) (West).

²⁴ RIDOH, *Health Equity*, <https://health.ri.gov/equity/> (last visited July 5, 2022) (click on “Programs” in left bar, a dropdown will extend containing a list of the programs available).

²⁵ *Id.*

401-563-4691

Sheree.Gomes@dot.ri.gov

Bryana Delsanto

Principal Equal Opportunity Officer

401-563-4468

Bryana.Delsanto@dot.ri.gov

Huda Alsabe

Sr. External Equal Opportunity Compliance Officer

Rhode Island

401-563-4282

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Where to Find Rhode Island Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

- R.I. Const. art. I § 17.

Executive Orders:

N/A.

Legislation and Statutes:

- 2021 Act on Climate, R.I. Gen. L. § 42-6.2;
<http://climatechange.ri.gov/state-actions/ec4/ec4-council/advisory-board.php>.
- Tit. 23 Health and Safety, Ch. 23-19.14 Industrial Property Remediation and Reuse Act § 23-19.14 5.

Regulations:

N/A.

Policies/Guidance:

- Policy for Considering Environmental Justice in the Review of Investigation and Remediation of Contaminated Properties.²⁶
- <http://www.dem.ri.gov/envequity/pdf/ejfinal.pdf>.
- <https://planning.ecms.ri.gov/sites/g/files/xkgbur826/files/2022-06/3c-Public-Participation-%20Plan-6-3-22.pdf>.

²⁶ RIDEM, SOP # BEP-AWC-1, Policy for Considering Environmental Justice in Review of Investigation and Remediation of Contaminated Properties (rev. July 2008), at p.1, *available at* <http://www.dem.ri.gov/envequity/pdf/ejfinal.pdf>.

- <https://health.ri.gov/equity/>.
- <http://www.planning.ri.gov/public-participation/title-vi-civil-rights.php>.
- http://www.dot.ri.gov/documents/about/civilrights/Office_of_Civil_Rights_Brochure.pdf.
- <http://www.dem.ri.gov/programs/benviron/waste/pdf/propwork.pdf>.

Mapping Tools:

- To find out if a property is in an environmental justice area, use the [GIS mapping tool](#) and a [static map of Environmental Justice Areas](#). To use the GIS mapping tool to locate Environmental Justice Areas, click on the white icon in the upper left hand side of the screen, second from the left, that is called show contents of map. A list of contents will appear. From that list, check the box next to Environmental Justice Areas. The Environmental Justice Areas will be highlighted in orange. Then, on the upper right hand side of the screen, type the street address and city in question. The map will zoom in on that address.
<https://ridemgis.maps.arcgis.com/apps/webappviewer/index.html?id=87e104c8adb449eb9f905e5f18020de5>; <http://www.dem.ri.gov/envequity/graphics/ejareas.jpg>.

Other:

- <http://www.dem.ri.gov/programs/benviron/waste/pdf/propwork.pdf>.